

OCTAVIANO VAZQUEZ,

Plaintiff,

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BISMILLAH USA INC. d/b/a ALACHI MASALA *et al.*,

Defendants.

22 Civ. 6999 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff Octaviano Vazquez filed the Complaint in this action on August 17, 2022. Dkt. 1. Defendant Bismillah USA Inc. was served with the Complaint on August 22, 2022, making its answer due by September 12. Dkt. 10. Defendant Amin Mehedi was served with the Complaint on August 22, 2022, making his answer due by September 12, 2022. Dkt. 11. Defendant Abdul Sahid was served with the Complaint first on August 22, 2022 and then on September 1, 2022, the latter of which made his answer due by September 22, 2022. Dkts. 12-13. To date, none of the three Defendants have appeared in this action or answered the Complaint.


It is hereby ORDERED that no later than October 31, 2022, Plaintiff shall move for default judgment as to Defendants, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Pursuant to this Court's Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendants by October 31, 2022 and must file an Affidavit of Service on ECF by November 2, 2022. Defendants shall file any opposition to the motion for default judgment no later than November 16, 2022. Plaintiff shall file any reply no later than November 23, 2022.

● It is further ORDERED that Defendants appear and show cause at a hearing before this Court on December 15, 2022, at 3:00 p.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding their litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with the Summons and Complaint and this Order; why Plaintiffs' counsel is confident that Defendants have been served with those documents and have received notice of the hearing; and the method for calculating damages. In the event that Defendants appear in this case and oppose the motion for default judgment prior to the scheduled court appearance on December 15, 2022, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases.

It is further ORDERED that Plaintiff serve Defendants via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: October 12, 2022  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge